

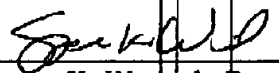
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Serial No.: 10/604,212 **Conf. No.:** 1211
Filing Date: 07/01/2003 **Art Unit:** 2812
Applicant: Freeman et al. **Examiner:** Eckert, George C.
Title: BIPOLAR TRANSISTOR SELF-ALIGNMENT WITH RAISED EXTRINSIC BASE EXTENSION AND METHODS OF FORMING SAME **Docket No.:** FIS920040098US1 (IBMF-0016)

COMMISSIONER FOR PATENTS**DESTINATION FACSIMILE NUMBER:** 703-872-9306

Transmitted herewith is: **Response to Election/Restriction Requirement n 3 pages**
in the above identified application.

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- ☒ Credit any overpayment.
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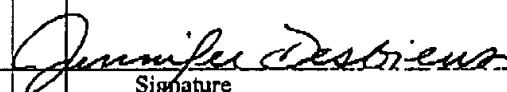


Spencer K. Warnick, Reg. No. 40,398

DATE: December 2, 2004**CERTIFICATION OF FACSIMILE TRANSMISSION**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Serial No.:** 10/604,212**Conf. No.:** 1211**RECEIVED**
CENTRAL FAX CENTER**Filing Date:** 07/01/2003**Art Unit:** 2812**DEC 02 2004****Applicant:** Freeman et al.**Examiner:** Eckert, George C.**Title:** BIPOLAR TRANSISTOR SELF-
ALIGNMENT WITH RAISED
EXTRINSIC BASE EXTENSION AND
METHODS OF FORMING SAME**Docket No.:** FIS920040098US1
(IBMF-0016)Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Sir:

This paper is being filed in response to the Election/Restriction requirement dated
November 24, 2004. Applicants hereby provisionally elect Group I, claims 1-14, with traverse.

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REMARKS

Claims 1-30 are pending in this application. By this Response, Applicants elect Group I, claims 1-14, with traverse. Prompt examination on the merits is respectfully requested.

In the Restriction Requirement, the Office asserts that the device of claim 1-14 could be made by a materially different process from that of Group II, claims 15-30. Applicants disagree with this conclusion. In particular, Applicants urge that other methods known in the art are incapable of producing a transistor as recited in claims 1-14.

In addition, Applicants submit that there are other, more significant, grounds that justify searching the two Groups together. Specifically, Applicants submit that the subject matter of Groups I and II is sufficiently related that a thorough search for the subject matter of Group I invention would encompass a search for the subject matter of the Group II invention. Thus, it is respectfully submitted that the search and examination of Group I will encompass all of the subject matter of Group II, and thus a search for both Groups could be made without serious burden. See MPEP § 803 in which it is stated: "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examining by the Office. Reconsideration of the election/restriction requirement and rejoinder of claims 1-14 and 15-30 is respectfully requested.

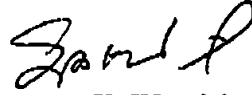
In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I and II. Should the Examiner require anything further from

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Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Dated: December 2, 2004

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

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